

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 168

## **SENATE BILL 1430**

AN ACT

AMENDING SECTIONS 16-201, 16-242, 16-246 AND 16-542, ARIZONA REVISED  
STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-201, Arizona Revised Statutes, is amended to  
3 read:

4 16-201. Primary elections

5 On the ~~eightth~~ NINTH Tuesday prior to a general or special election at  
6 which candidates for public office are to be elected, a primary election  
7 shall be held.

8 Sec. 2. Section 16-242, Arizona Revised Statutes, is amended to read:

9 16-242. Qualifications for ballot; nomination paper

10 A. A person seeking nomination as a candidate for the office of  
11 president of the United States shall sign and cause to be filed with the  
12 secretary of state a nomination paper that contains the following  
13 information:

14 1. The name, residence address and mailing address of the candidate.

15 2. The name of the recognized political party from which the person  
16 seeks nomination.

17 3. The name and address of the chairman of the candidate's state  
18 committee.

19 4. The exact manner for printing the candidate's name on the  
20 presidential preference ballot pursuant to section 16-311.

21 B. The nomination paper shall be filed not less than ~~forty~~ FIFTY days  
22 nor more than seventy days before the presidential preference election and  
23 not later than 5:00 p.m. on the last day for filing.

24 C. Section 16-351 does not apply to a nomination paper filed pursuant  
25 to this section.

26 D. Within seventy-two hours after the close of filing the secretary of  
27 state shall certify to the officer in charge of elections the names of the  
28 candidates who are qualified for the presidential preference election ballot.

29 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:

30 16-246. Early balloting; satellite locations; additional  
31 procedures

32 A. Within ninety days preceding the Saturday before the presidential  
33 preference election and not later than 5:00 p.m. on the Friday preceding the  
34 election, any elector who is eligible to vote in the presidential preference  
35 election may make a verbal or signed, written request for an official early  
36 ballot to the county recorder or other officer in charge of elections for the  
37 county in which the elector is registered to vote. If the request is verbal,  
38 the requesting elector shall provide the date of birth and birthplace or  
39 other information that if compared to the voter registration records for that  
40 elector would confirm the identity of the elector.

41 B. Absent uniformed services voters or overseas voters who are  
42 otherwise eligible to vote in the election may vote as prescribed by sections  
43 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as  
44 prescribed by section 16-543.01 shall be a list of all candidates who have

1 qualified for the presidential preference ballot by the thirty-sixth day  
2 before the presidential preference election.

3 C. The county recorder may establish on-site early voting locations at  
4 the office of the county recorder or at other locations in the county deemed  
5 necessary or appropriate by the recorder. Early voting shall begin ~~fifteen~~  
6 TWENTY-SIX days before the presidential preference election and shall end on  
7 the Friday before the presidential preference election.

8 D. The county recorder shall send by first class mail with the  
9 endorsement "do not forward - address correction requested" any early ballots  
10 that are requested pursuant to subsections A and B of this section and shall  
11 include a preaddressed envelope for the elector to return the completed  
12 ballot.

13 E. The county recorder shall provide to each election board an  
14 appropriate alphabetized list of voters who have requested and have been sent  
15 an early ballot. Any person who is on that list of voters and who was sent  
16 an early ballot shall not vote at the polling place for that election  
17 precinct except as prescribed by section 16-579, subsection C.

18 F. The county recorder may provide for any of the following in the  
19 same manner prescribed by law for other elections:

20 1. Special election boards.

21 2. Emergency balloting for persons who experience an emergency after  
22 5:00 p.m. on the Friday preceding the presidential preference election and  
23 before 5:00 p.m. on the Monday immediately preceding the presidential  
24 preference election.

25 G. Sections 16-550, 16-551 and 16-552 govern the use of early  
26 balloting for the presidential preference election.

27 Sec. 4. Section 16-542, Arizona Revised Statutes, is amended to read:  
28 16-542. Request for ballot

29 A. Within ninety days next preceding the Saturday before any election  
30 called pursuant to the laws of this state, an elector may make a verbal or  
31 signed request to the county recorder, or other officer in charge of  
32 elections for the applicable political subdivision of this state in whose  
33 jurisdiction the elector is registered to vote, for an official early  
34 ballot. In addition to name and address, the requesting elector shall  
35 provide the date of birth and state or country of birth or other information  
36 that if compared to the voter registration information on file would confirm  
37 the identity of the elector. If the request indicates that the elector needs  
38 a primary election ballot and a general election ballot, the county recorder  
39 or other officer in charge of elections shall honor the request. For any  
40 partisan primary election, if the elector is not registered as a member of a  
41 political party that is entitled to continued representation on the ballot  
42 pursuant to section 16-804, the elector shall designate the ballot of only  
43 one of the political parties that is entitled to continued representation on  
44 the ballot and the elector may receive and vote the ballot of only that one  
45 political party. The county recorder may establish on-site early voting

1 locations at the recorder's office or any other locations in the county the  
2 recorder deems necessary.

3 B. Notwithstanding subsection A of this section, a request for an  
4 official early ballot from an absent uniformed services voter or overseas  
5 voter as defined in the uniformed and overseas citizens absentee voting act  
6 of 1986 (P.L. 99-410; 42 United States Code section 1973ff) or a voter whose  
7 information is protected pursuant to section 16-153 that is received by the  
8 county recorder or other officer in charge of elections more than ninety days  
9 next preceding the Saturday before the election is valid. If requested by  
10 the absent uniformed services or overseas voter, or a voter whose information  
11 is protected pursuant to section 16-153, the county recorder or other officer  
12 in charge of elections shall provide to the requesting voter early ballot  
13 materials through the next two regularly scheduled general elections for  
14 federal office immediately following receipt of the request.

15 C. The county recorder or other officer in charge of elections shall  
16 mail postage prepaid to the address provided by the requesting elector, which  
17 address shall be the elector's residence address or the location where the  
18 elector is temporarily residing while absent from the precinct, the early  
19 ballot and the envelope for its return within five days after receipt of the  
20 official early ballots from the officer charged by law with the duty of  
21 preparing ballots pursuant to section 16-545. If a statewide voter  
22 registration database is not yet operational and if the requesting elector  
23 registered to vote for the first time in this state after January 1, 2003 and  
24 has not yet voted in this state or is reregistering after January 1, 2003  
25 after moving from one county in this state to another county in this state  
26 and is voting for the first time at the new registration address, the early  
27 ballot materials shall include notice that the person shall submit a  
28 photocopy of a current form of identification that bears a photograph of the  
29 person and the name of the person or a photocopy of a current utility bill,  
30 bank statement, paycheck, government issued check or other government  
31 document that shows the name and registration address of the person and  
32 notice that if the person does not submit photocopies of the required  
33 documents, the person may only vote a provisional ballot.

34 D. Only the elector may be in possession of that elector's unvoted  
35 early ballot. If a complete and correct request is made by the elector  
36 within ~~thirty~~ TWENTY-THREE days next preceding the Saturday before the  
37 election, the mailing must be made within forty-eight hours after receipt of  
38 the request. Saturdays, Sundays and other legal holidays are excluded from  
39 the computation of the forty-eight hour period prescribed by this subsection.  
40 If a complete and correct request is made by an absent uniformed services  
41 voter or an overseas voter before the election, the regular early ballot  
42 shall be transmitted by mail, BY fax or by other electronic format approved  
43 by the secretary of state within twenty-four hours after the early ballots  
44 are delivered pursuant to section 16-545, subsection B, excluding Sundays.

1       E. In order to be complete and correct and to receive an early ballot  
2 by mail, an elector's request that an early ballot be mailed to the elector's  
3 residence or temporary address must include all of the information prescribed  
4 by subsection A of this section and must be received by the county recorder  
5 or other officer in charge of elections no later than 5:00 p.m. on the  
6 eleventh day preceding the election. An elector who appears personally no  
7 later than 5:00 p.m. on the Friday preceding the election at an on-site early  
8 voting location that is established by the county recorder or other officer  
9 in charge of elections shall be given a ballot and permitted to vote at the  
10 on-site location. If an elector's request to receive an early ballot is not  
11 complete and correct but complies with all other requirements of this  
12 section, the county recorder or other officer in charge of elections shall  
13 attempt to notify the elector of the deficiency of the request.

14       F. Unless an elector specifies that the address to which an early  
15 ballot is to be sent is a temporary address, the recorder may use the  
16 information from an early ballot request form to update voter registration  
17 records.

18       G. The county recorder or other officer in charge of early balloting  
19 shall provide an alphabetized list of all voters in the precinct who have  
20 requested and have been sent an early ballot to the election board of the  
21 precinct in which the voter is registered not later than the day prior to the  
22 election.

23       H. As a result of an emergency occurring between 5:00 p.m. on the  
24 second Friday preceding the election and 5:00 p.m. on the Monday preceding  
25 the election, qualified electors may request to vote early in the manner  
26 prescribed by the county recorder of their respective county. For the  
27 purposes of this subsection, "emergency" means any unforeseen circumstances  
28 that would prevent the elector from voting at the polls.

29       I. A candidate or political committee may distribute early ballot  
30 request forms to voters. If the early ballot request forms include a printed  
31 address for return to an addressee other than a political subdivision, the  
32 addressee shall be the candidate or political committee that paid for the  
33 printing and distribution of the request forms. All early ballot request  
34 forms that are received by a candidate or political committee shall be  
35 transmitted as soon as practicable to the political subdivision that will  
36 conduct the election.

~~APPROVED BY THE GOVERNOR MAY 1, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.~~